UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

NOV 15 2007

AE-17J

**CERTIFIED MAIL**
**RETURN RECEIPT REQUESTED**

Lisa Horan
Environmental Manager
Sunoco, Inc.
1819 Woodville Rd
Oregon, Ohio 43616

Re: Finding of Violation
Sunoco, Inc., Oregon, Ohio

Dear Ms. Horan:

This is to advise you that the United States Environmental Protection Agency (EPA) has determined that Sunoco, Inc. (Sunoco) at 1819 Woodville Road, Oregon, Ohio (facility) is in violation of the Clean Air Act (CAA) and associated federal pollution control requirements. A list of the requirements violated is provided in the attached Finding of Violation (FOV). We are today issuing you an FOV for these violations.

The CAA requires EPA to develop National Emission Standards for Hazardous Air Pollutants (NESHAP) to protect the public from emissions of Hazardous Air Pollutants. EPA finds that Sunoco has violated the NESHAP for Organic Hazardous Air Pollutants (Hazardous Organic NESHAP) for Equipment Leaks, found at 40 C.F.R. Part 63, Subpart H (Subpart H); the Hazardous Organic NESHAP for Synthetic Organic Chemicals, found at 40 C.F.R Part 63 Subpart F (Subpart F), and EPA Reference Method 21, found at 40 C.F.R. Part 60, Appendix A (Method 21). These violations constitute violations of the CAA.

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action. Section 113 of the CAA provides you with the opportunity to request a conference with us about the violations alleged in the FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan to have your facility's technical and management personnel take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contacts in this matter are Sheila Desai, Environmental Engineer, and Kathleen Schnieders, Associate Regional Counsel. You may call Ms. Desai at (312) 353-4150 if you wish to request a conference. EPA hopes that this FOV will encourage Sunoco's compliance with the requirements of the Clean Air Act.

Sincerely yours,

Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

Protecting the environment is everyone's responsibility. Help EPA fight pollution by reporting possible harmful environmental activity. To do so, visit EPA's website at http://www.epa.gov/compliance/complaints/index.html.

United States Environmental Protection Agency
Region 5

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|---|---|---|
| **IN THE MATTER OF:** | ) | |
| | ) | |
| Sunoco, Inc. | ) | **FINDING OF VIOLATION** |
| Oregon, Ohio | ) | |
| | ) | **EPA-5-08-OH-01** |
| | ) | |
| Proceedings Pursuant to | ) | |
| the Clean Air Act, | ) | |
| 42 U.S.C. §§ 7401 et seq. | ) | |
| | ) | |

## FINDING OF VIOLATION

Sunoco, Inc. (Sunoco or you) owns and operates a refinery which includes a unit subject to the National Emission Standards for Organic Hazardous Air Pollutants (Hazardous Organic NESHAP or HON) at 1819 Woodville Road, Oregon, Ohio.

The United States Environmental Protection Agency (EPA) is sending this Finding of Violation (FOV) to you for violations of the Hazardous Organic NESHAP for Equipment Leaks, found at 40 C.F.R. Part 63, Subpart H (Subpart H); the Hazardous Organic NESHAP for Synthetic Organic Chemicals, found at 40 C.F.R Part 63 Subpart F (Subpart F), and EPA Reference Method 21, found at 40 C.F.R. Part 60, Appendix A (Method 21). A list and explanations of the violated requirements are provided below. The listed violations constitute violations of the Clean Air Act (CAA or the Act).

Section 113 of the CAA provides you with the opportunity to request a conference with us to discuss the violations alleged in the FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan to have the facility's technical and management personnel take part in these discussions. You may have an attorney represent and accompany you at this conference.

### Explanation of Violations

The following factual background, regulatory requirements, and violations are relevant to this FOV:

Factual Background

1. Section 112(d) of the Act authorizes EPA to promulgate regulations for particular industrial sources that emit significant quantities of one or more of the hazardous air pollutants (HAPs) listed in Section 112(b) of the Act.

2. A major source is any source that has the potential to emit 10 tons per year or more of any single HAP or 25 tons per year of any combination of HAPs.

3. Pursuant to Section 112(d) of the Act, U.S. EPA promulgated the Hazardous Organic NESHAP (the HON) on December 31, 1992. The compliance date for an affected source is as specified in the applicable subpart.

4. In the case of Sunoco, all relevant compliance dates occur prior to 2002.

5. The HON, at 40 C.F.R. § 63.4(a)(1), provides that no owner or operator subject to the provisions of this part shall operate any affected source in violation of this requirement of this part, except under an applicable extension of compliance.

6. The leak detection and repair (LDAR) provisions of the HON apply to pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, instrumentation systems, control devices, and closed-vent systems that are intended to operate in organic HAP service 300 hours or more during the calendar year, as stated under 40 C.F.R. §§ 63.1255(a)(1) and 63.160(a).

7. The HON, at 40 C.F.R. §§ 63.1251 and 63.161, defines equipment in organic HAP service as equipment that either contains or contacts a fluid that is at least 5% by weight of total organic HAPs.

8. The HON, at 40 C.F.R. § 63.161, defines a process unit, in part, as a process subject to another subpart in 40 C.F.R. Part 63 that references the HON.

9. The HON, at 40 C.F.R. §63.167(a)(1), requires that each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve.

10. The HON, at 40 C.F.R. §63.167(a)(2), requires that the cap, blind flange, plug or second valve shall seal the open end at all times except during operation requiring process fluid flow through the open-ended valve or line, or during maintenance or repair.

11. The HON, at 40 C.F.R. § 63.174(a)(1), requires the owner or operator of a process unit subject to the HON to monitor connectors in gas/vapor and light liquid service subject to the LDAR provisions by the method specified in Section 63.180(b).

12. The HON, at 40 C.F.R. §63.180(b)(1), requires that the owner or operator of HON process units comply with the monitoring procedures and requirements of Method 21 of 40 C.F.R. Part 60, Appendix A.

13. Method 21, at 40 C.F.R. Part 60, Appendix A, Section 8.3.1, requires the owner or operator of an affected source to slowly sample the interface of a component where leakage is indicated until the maximum meter reading is obtained.

14. The HON, at 40 C.F.R. § 63.163(c)(1), requires that when a leak is detected for pumps in light liquid service, it shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in §63.171 of the subpart.

15. The HON, at 40 C.F.R. §63.163(c)(2), requires that for pumps in light liquid service, a first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

16. The HON, at 40 C.F.R. § 63.168(f)(1), requires that when a leak is detected for valves in gas/vapor service and in light liquid service, it shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in §63.171 of this subpart.

17. The HON, at 40 C.F.R. §63.163(c)(2), requires that for valves in gas/vapor service and in light liquid service, a first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

18. The HON, at 40 C.F.R. § 63.164(d), requires that when a leak is detected for connectors in gas/vapor service and in light liquid service, it shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in § 63.171 of the subpart. A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

19. U.S. EPA inspected Sunoco on May 22, 2006 – May 23, 2006, and September 25, 2006 – September 28, 2006, for compliance with the HON, particularly the LDAR provisions.

20. During the September 25-28, 2006, inspection, U.S. EPA conducted LDAR monitoring per Method 21 of the HON unit which produces benzene, toluene, and xylene (BTX).

21. After the inspection, Sunoco provided U.S. EPA with LDAR monitoring data from its database for Sunoco's HON affected processes from January 2002 through May 2007.

Alleged Violations

22. EPA's LDAR monitoring during the September 2006 inspection found the following leaks: 26 out of 540 valves, 3 out of 16 pumps, 21 out of 424 connectors, and 10 out of 123 plugs with leak readings above the leak limit, resulting in leak rates of 4.81%, 18.75%, 4.95%, and 8.13%, respectively.

23. Based upon the available data, Sunoco has not conducted Method 21 properly at the facility.

24. During the inspections, EPA found five open-ended lines as listed below:

| Component ID | Date | Comments |
|---|---|---|
| 153708 | May 22, 2006 | Off sampling point |
| 153707 | May 22, 2006 | Off sampling point |
| 154541 | September 25, 2006 | |
| 169283 V3 | September 27, 2006 | Off sampling point |
| 3058 V | September 27, 2006 | Off sampling point |

25. According to the data, Sunoco failed to make a first attempt at repair no later than 5 calendar days after each leak was detected for various pumps, valves, and connectors in 39 separate instances.

26. According to the data, Sunoco failed to repair leaks no later than 15 calendar days after the leak was detected for various pumps, valves, and connectors in 39 separate instances.

**Environmental Impact of Violations**

27. Violation of the NESHAP standards may cause serious health effects, such as birth defects and cancer, and harmful environmental and ecological effects.

11/15/07
Date

Stephen Rothblatt, Director
Air and Radiation Division

## CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-08-OH-01 , by Certified Mail, Return Receipt Requested, to:

Lisa Horan
Environmental Manager
Sunoco, Inc.
1819 Woodville Rd
Oregon, Ohio 43616

I also certify that I sent copies of the Finding of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. 1049
Columbus, Ohio 43216-1049

and

Karen Granata, Administrator
Toledo Environmental Control
348 South Erie
Toledo, Ohio 43604

on the 15 day of Nov, 2007.

Loretta Shaffer

Loretta Shaffer, Secretary
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 8919 1754